

REMARKS

Claims 1-24 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Driver (U.S. Pat. No. 5,172,730).

Claim 1 has been amended to recite a sealing arrangement for sealing a machine element comprising a supporting ring mounted to a housing, a sealing ring including a lip seal that contacts the machine element, and a sensor for detecting a leak. The sensor is mounted to at least one of the support ring and the sealing ring. Furthermore, claim 1 has been amended to recite that the depot is disposed between the support ring and the sealing ring. This configuration is described throughout the specification and drawings as originally filed. No new matter has been added.

More specifically, this configuration is shown at, for example, Figure 1 of the application. Figure 1 depicts a supporting ring 7 mounted to a housing 20. A sealing ring 2 includes a lip seal that contacts the machine element 1. A sensor 4 is mounted to at least one of the support ring 7 and the sealing ring 2. Lastly, a depot 5 is disposed between the support ring 7 and the sealing ring 2. Driver does not anticipate such a configuration.

More particularly, Driver is related to a leakage detection system for the inside of a pipe. That is, referring to Figure 2 of Driver, it can be seen that a pipe A is lined with a

cable 2 which acts as a sensor. An absorbent tube 8 absorbs any leakage in the pipe A. Such a configuration, however, does not anticipate a sealing arrangement comprising a supporting ring mounted to a housing, and a sealing ring including a lip seal that contacts a machine element. Nor does the disclosure of Driver anticipate a configuration wherein a sensor for detecting a leak is mounted to at least one of the support ring and the sealing ring. Because this configuration is not disclosed by Driver, claim 1 and each corresponding dependent claim are not anticipated.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 2, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Driver (U.S. Pat. No. 5,172,730). This rejection is respectfully traversed.

Claims 2, 11, and 12 are alleged as being obvious by the Examiner in view of Driver. Notwithstanding, as stated above, claim 1 has been amended and rewritten. Because claim 1 is not anticipated by Driver, claims 2, 11, and 12 would not have been obvious in view of Driver.

Claims 1, 5, 13, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis (U.S. Pub. No. 2003/0015840) in view of Driver (U.S. Pat. No. 5,172,730). This rejection is respectfully traversed.

As stated above, claim 1 has been amended and rewritten. Claim 1 is not obvious in view of the alleged combination of Davis and Driver. More specifically, the

alleged combination of Davis and Driver fails to teach a configuration where a depot for picking up a leak is disposed between a support ring and a sealing ring, and it also fails to teach a configuration where a sensor is mounted to at least one of the support ring and the sealing ring.

More particularly, Davis teaches a configuration wherein a non-rotatable sealing ring 16 is mounted to a housing 22. A rotatable sealing ring 15, however, is directly adjacent to the non-rotatable sealing ring 16. There is no teaching or suggestion of a depot for picking up a leak disposed between the supporting ring and the sealing ring, as claimed.

Furthermore, there is no teaching or suggestion of a sensor for detecting a leak that is mounted to at least one of the supporting ring and the sealing ring. In contrast, the sensor 76 of Davis is disposed a large distance away from both the sealing rings 15 and 16. Accordingly, there is no teaching or suggestion in either Davis or Driver that would lead one skilled in the art to arrive at the configuration of the claimed invention. Because there is no teaching or suggestion, claim 1 and each corresponding dependent claim would not have been obvious in view of the alleged combination of Davis and Driver.

Moreover, Applicant respectfully asserts that rejection based on 35 U.S.C. § 103 must rest on a factual basis. In making such a rejection, the Examiner has the initial duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *In re GPAC, Inc.*, 57 F.3d 1573, 1582, 35 USPQ2d 1116, 1123 (Fed. Circ. 1995); *In re Warner*, 379 F.2d 1011,

1017, 154 USPQ 173, 177-78 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968). Here, there is no factual basis that would lead one skilled in the art to combine the teachings of Davis with the teachings of Driver.

That is, the Driver reference is directed to a leakage detection system that is disposed inside of a pipe. The system detects any leaks in the pipe itself. In contrast, Davis is directed to a detection system that detects leaks in a system that seals a rotatable shaft. Referring to Figure 2 of Davis, a reservoir 18 is filled with a lubricant 17 that encompasses the shaft 12 to keep the shaft 12 lubricated as it rotates in a machine 10. Because Driver is directed to sealing the inside of a pipe, there is no motivation to modify the system of Davis with the teachings of Driver. More particularly, one skilled in the art of machines with rotatable shafts has no motivation to look to a sealing system for the inside of a pipe. This is because the sealing problems associated with the inside of a pipe are different than those associated with a rotating shaft in a machine. As there is no factual basis, and hence no motivation, to modify the teachings of Davis with the teachings of Driver, Applicant respectfully asserts that the claimed invention is not obvious.

Claims 15 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis (U.S. Pat. No. 2003/0015840) in view of Driver (U.S. Pat. No. 5,172,730), and further in view of Patterson (U.S. Pub. No. 2004/0065051). This rejection is respectfully traversed.

Claims 15 and 24 are dependent on independent claim 1, addressed above. Dependent claims 15 and 24 are not obvious for at least the same reasons.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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